

5257. Adulteration and misbranding of pepper. U. S. * * * v. Newton Tea & Spice Co., a corporation. Plea of guilty. Fine, \$600. (F. & D. No. 7670. I. S. Nos. 3795-k, 4613-k, 4644-k, 14436-k, 15303-k, 15809-k.)

On December 20, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Newton Tea & Spice Co., a corporation, 18 East Second Street, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 1, 1915, March 19, 1915, May 17, 1915, April 9, 1915, May 11, 1915, and May 21, 1915, from the State of Ohio into the States of South Carolina, West Virginia, Pennsylvania, Kentucky (2 shipments), and Mississippi, respectively, of quantities of pepper which were adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed that it consisted of a mixture of pepper and pepper shells.

Adulteration of the article in all of the shipments was alleged in the information for the reason that a certain substance, to wit, pepper shells, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure ground pepper (or pure pepper), which the article purported to be.

It was charged in substance in the information that the article in each shipment was misbranded for the reason that certain statements, regarding it and the ingredients and substances contained therein, appearing on its labels, were false and misleading in that they indicated to purchasers thereof that the article consisted of pure ground pepper (or pure pepper); and for the further reason that the article was labeled so as to deceive and mislead purchasers into the belief that it consisted of pure ground [pepper] (or pure pepper), when, in truth and in fact, it did not, but consisted of, to wit, ground pepper (or pepper) and added pepper shells. Misbranding was alleged for the further reason that the article consisted of a mixture of ground pepper (or pepper) and added pepper shells, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure ground pepper (or pure pepper).

On March 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$600.

R. A. PEARSON, *Acting Secretary of Agriculture.*